**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE V.GIRI**

**TUESDAY, THE 6TH NOVEMBER 2007 / 5TH KARTHIKA 1929**

**Con.Case(C).No. 1420 of 2007(S)**

**AGAINST THE JUDGEMENT/ORDER IN WPC.28983/2006**

**PETITIONERS :**

1. **VISALAN, AGED 42 YEARS, S/O.VISWANATHAN, KARITHATTU HOUSE, EDEKUNNAM, SUBSTITUTE CONTIGENT WORKER, COCHIN CORPORATION.**

2. **SATHEESAN.V.K., AGED 40 YEARS, S/O.KORAPPAN, VALLIKUTTIPADAM, SEMITHERIMUKKU, ERNAKULAM, SUBSTITUTE CONTIGENT WORKER, COCHIN CORPORATION.**

3. **REGHU SANTHOSH, AGED 43 YEARS, S/O.DIVAKARAN, NAYAPALLATH HOUSE, ELAMAKKARA, ERNAKULAM SUBSTITUTE CONTIGENT WORKER, COCHIN CORPORATION.**

**BY ADV. SMT.T.B.MINI**

**RESPONDENTS: IST RESPONDENT IN O.P.8018/01:**

**K.VIJAYANAND, AGED AND S/O.(NOT KNOWN TO PETITIONER) DIRECTOR LOCAL & SELF GOVERNMENT DEPARTMENT, (PRINCIPAL SECRETARY) GOVT.SECRETARIAT THIRUVANANTHAPURAM.**

**BY GOVERNMENT PLEADER SRI.BEJOY CHANDRAN**

**THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 06/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**V. GIRI ,J.**

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**COC NO. 1420 of 2007**

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Dated this the 6th day of November, 2007

**JUDGMENT**

The Contempt of Court Case has been instituted alleging non-compliance with the directions contained in Annexure-A3 judgment. In Annexure-A3, this Court directed the third respondent - Director of Local and Self Government Department to consider Ext.P4 and take a decision thereon within a time frame.

2. After institution of the contempt of court case, an order has been passed by the third respondent on 10.10.2007 rejecting the petitioners' claim. Copy of the said order has been handed over to the learned counsel for the petitioners.

3. Counsel for the petitioners submit that the order reveals that the respondent has not correctly considered the petitioners' claim and therefore there is inadequate compliance with the directions contained in Annexure-A3 judgment. In my view, if the order is not satisfactory, the remedy of the petitioners is to independently challenge the same. The correctness of the order cannot be tested in proceedings under Article 215 of the Constitution of India. In circumstances where there has been compliance with Annexure A3 judgment, though belatedly, I am not inclined to further proceed with the contempt of court case. The same is therefore dismissed.

**V. GIRI, JUDGE**

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